From: Garyg Miller
To: Anne Foster
Cc: Rafael Casanova; Dipanjana Bhattacharya
Subject: Fw: ARARs
Date: 09/08/2011 02:04 PM
Attachments: ARARs for Gulfco ROD 9-7-11.xlsx

Ann,

FYI, here is the updated ARARs table for the Gulfco ROD - changes from the last one are as follows: no Executive Order identified as an ARAR; added the Migratory Bird Treaty Act; and added the RCRA cap requirements for the former impoundment. Please let me know if you have any comments on this. We hope to have the ROD revisions done within several more days.

Thanks,

Gary Miller, P.E.
Remediation Project Manager
EPA Region 6 - Superfund (6SF-RA)
(214) 665-8318
miller.garyg@epa.gov

----- Forwarded by Garyg Miller/R6/USEPA/US on 09/08/2011 01:59 PM -----

From: Garyg Miller/R6/USEPA/US
To: Rafael Casanova/R6/USEPA/US@EPA
Date: 09/08/2011 01:16 PM
Subject: Re: ARARs

Thanks Rafael; here is the ARARs table with the identified edits.

Thanks,

Gary Miller, P.E.
Remediation Project Manager
EPA Region 6 - Superfund (6SF-RA)
(214) 665-8318
miller.garyg@epa.gov

ARARs for Gulfco ROD 9-7-11.xlsx

▼ Rafael Casanova---09/08/2011 12:57:21 PM---Here is the action-specific ARARs language in the Draft ROD. An action-specific ARAR under the 30 T

From: Rafael Casanova/R6/USEPA/US
To: Garyg Miller/R6/USEPA/US@EPA
Date: 09/08/2011 12:57 PM
Subject: ARARs

9543034

Here is the action-specific ARARs language in the Draft ROD.

> An action-specific ARAR under the 30 TAC §330.457 requirements for municipal solid waste landfill units may be relevant and appropriate to the existing cap, specifically the §330.457(3)(b) requirement that Class I industrial solid waste "be covered with a four-foot layer of compacted clay-rich soil", which is identified as having a coefficient of permeability no greater than 1 x 10^{-7} cm/sec. As detailed in the RI Report, laboratory-measured hydraulic conductivities for the existing cap material ranged from 5.0 x 10^{-9} cm/sec to 3.5 x 10^{-8} cm/sec. These values are approximately one-third or less of the 1 x 10^{-7} cm/sec value specified in §330.457(3)(b), thus indicating that the existing cap can be considered functionally equivalent to a four-feet thick cap constructed of clay with 1 x 10^{-7} cm/sec hydraulic conductivity. Additionally, the requirements under 40 CFR (Subpart K) §264.228 also apply to the existing cap which requires that, at closure, a surface impoundment must be covered with a final cover that has a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present. The existing cap meets this ARAR because its permeability less than any natural subsoils present. Another action-specific ARAR is the MBTA which is a requirement for the repair and maintenance of the cap. More specifically, grading and clearing of brush from the cap during the nesting season (usually April 1 thru July 15) would be preceded by a survey conducted by a qualified biologist. The survey would investigate the vegetation growing on the cap for nests. If active nests are identified they would be avoided until the young have fledged or the nests have been abandoned.

Rafael Casanova, P.G. (Remedial Project Manager, Environmental Scientist)
U.S. Environmental Protection Agency, Region 6
Superfund Division (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Work Telephone # - (214) 665-7437
Work Telephone Toll-Free # - 1(800) 533-3508
Facsimile # - (214) 665-6660
E-Mail - casanova.rafael@epa.gov

Assigned Sites for Investigation and Remediation:
(http://www.epa.gov/earth1r6/6sf/6sf-tx.htm):
Brine Service Company Superfund Site (Corpus Christi, Texas)
Donna Reservoir and Canal Superfund Site (Donna, Texas)
Falcon Refinery Superfund Site (Ingleside, Texas)
Many Diversified Interests, Inc. Superfund Site (Houston, Texas)
Palmer Barge Line Superfund Site (Port Arthur, Texas)
State Marine of Port Arthur Superfund Site (Port Arthur, Texas)